

IN THE UNITED STATES DISTRICT COURT FILED *dur*  
FOR THE SOUTHERN DISTRICT OF ILLINOIS  
95 OCT -6 PM 3:58

CERRO COPPER PRODUCTS CO., INC.,

Plaintiff,

v.

MONSANTO COMPANY,

Defendant.

U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS  
EAST ST. LOUIS OFFICE

Civil Action No. 92-CV-204-PER

**STIPULATION OF DISMISSAL**

The parties hereto, having amicably resolved their differences, hereby stipulate and agree that this matter may be, and it hereby is, dismissed with prejudice and without costs to either party.

CERRO COPPER PRODUCTS CO.

By: *Richard F. Ricol*

Richard F. Ricol  
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KOHL, FISHER & BOYLAN  
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MONSANTO COMPANY

By: *Kenneth R. Heineman*

Kenneth R. Heineman  
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(314) 621-8575  
Attorney for Defendant

Dated: October 4, 1995

10/04/95 161634.01

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N. SANDLER,  
FISHER  
YLAN  
CORPORATION  
100 ST. LOUIS  
ST. LOUIS, MO  
63101

8/14/95 197 ORDER (SJO/dw) granting motion for attorney Paul F Koch II to appear pro hac vice [195-1] for plaintiff Cerro Copper (cc: all counsel) \$25.00 fee paid receipt #45714 (dmw)

8/14/95 198 ORDER (SJO/dw) granting motion for attorney Patrick J Whalen to appear pro hac vice [196-1] for plaintiff Cerro Copper (cc: all counsel) \$25.00 fee paid receipt #45714 (dmw)

8/14/95 199 MEMORANDUM by defendant Monsanto Company in opposition to motion for reconsideration [193-1], motion for oral argument (hearing) [193-2] (dll) [Entry date 08/15/95]

8/15/95 200 NOTICE of hearing re [173-1], re [181-1], re [189-1], re [193-2], re [193-1] in-court hrg set 9:00 8/31/95 before Judge Paul E. Riley Sr. in the USDC/East St. Louis, IL (cc: all counsel) (acm)

8/18/95 201 MOTION by defendant Monsanto Company to exclude testimony from recently identified Cerro witnesses (dmw) [Entry date 08/21/95]

8/18/95 202 MOTION by defendant Monsanto Company to limit testimony of plaintiff's expert George Sallwasser (dmw) [Entry date 08/21/95]

8/23/95 203 OPPOSITION (RESPONSE) by plaintiff Cerro Copper to motion to exclude testimony from recently identified Cerro witnesses [201-1] (dll)

8/23/95 204 OPPOSITION (RESPONSE) by plaintiff Cerro Copper to motion to limit testimony of plaintiff's expert George Sallwasser [202-1] (dll)

8/31/95 205 MINUTES of hearing on All pending motions. Written order to follow. ( C/R: Sally Naas) (dll) [Entry date 09/05/95]

9/1/95 -- TRANSCRIPT of Pre-Trial Motions; 1 volume(s) Court Reporter: Sally Naas (lmc)

9/7/95 206 AMENDED PRE-TRIAL ORDER by Judge Paul E. Riley Sr. to add the attached list of uncontroverted facts (cc: all counsel) (clk)

9/8/95 207 ORDER by Judge Paul E. Riley Sr. denying motion for summary judgment [181-1] granting motion for reconsideration [193-1], granting motion for oral argument (hearing) [193-2] vacating pending trial [191-1] order stayed re [183-1] Ruling on motion for summary judgment determining that it may recover prejudgment interest on all response costs it recovers in this action [189-1] is deferred, denying motion to limit testimony of plaintiff's expert George Sallwasser [202-1] denying motion to exclude testimony from recently identified Cerro witnesses [201-1] (cc: all counsel) (acm)

9/12/95 208 MINUTES of hearing on NON-JURY TRIAL DAY 1 (acm) ; Court trial held 9/12/95 ( C/R: Sally Naas) (dll) [Entry date 09/18/95]

9/13/95 -- TRANSCRIPT of afternoon session of trial; 1 volume Court Reporter: Sherrie L Merz (dmw)

9/13/95 209 MINUTES of hearing on NON JURY TRIAL DAY 2 (acm) ( C/R: Sally Naas) (dll) [Entry date 09/18/95] [Edit date 09/18/95]

9/14/95 -- TRANSCRIPT of TRIAL Afternoon Session DAY 2; 1 volume(s) Court Reporter: Sherrie Merz (dll) [Edit date 09/14/95]

9/14/95 -- TRANSCRIPT of TRIAL A.M. Session DAY 1; 2 volume(s) Court Reporter: Sally Naas (dll) [Edit date 09/14/95]

9/14/95 210 MINUTES of hearing on NON-JURY TRIAL DAY 3 (acm) ( C/R: Sally Naas) (dll) [Entry date 09/18/95]

9/15/95 -- TRANSCRIPT of AM session of 9/14/95 Trial day; 1 volume Court Reporter: Sally Naas (dmw)

9/15/95 -- TRANSCRIPT of PM session of 9/14/95 Trial day; 1 volume Court Reporter: Sherrie Merz (dmw)

9/18/95 211 MINUTES (am) of Non-Jury Trial, Day 4, 9/18/95 (C/R: Sally Naas) (dmw) [Entry date 09/19/95]

9/19/95 -- TRANSCRIPT of trial; Volume IV - Afternoon session; 1 volume(s) Court Reporter: Sherrie L. Merz (clk)

9/19/95 212 MINUTES of hearing on NON-JURY TRIAL DAY 5 (acm) ( C/R: Sally Naas) (dll) [Entry date 09/20/95]

9/20/95 -- TRANSCRIPT of Trial - Volume V & IV, A.M. Session; 2 volume(s) Court Reporter: Sally A Naas (clk)

9/20/95 -- TRANSCRIPT of Trial - Volume V, Afternoon Session; 1 volume(s) Court Reporter: Sherrie L. Merz (clk)

9/20/95 213 MINUTES of hearing on NON-JURY TRIAL DAY 6 (acm) ( C/R: Sally Naas) (dll) [Entry date 09/21/95]

9/21/95 214 MINUTES (am) of Bench Trial, Day 7 on 9/21/95 (C/R: Sally Naas) (dmw)

9/22/95 -- TRANSCRIPT of afternoon session of Bench Trial 9/20/95; 1 volume Court Reporter: Sherrie Merz (dmw)

9/22/95 -- TRANSCRIPT of afternoon session of Bench Trial 9/21/95; 1 volume Court Reporter: Sherrie Merz (dmw)

9/22/95 -- TRANSCRIPT of Trial - volume VI, A.M. session; 1 volume(s)  
Court Reporter: Sally A. Naas (clk) [Entry date 09/25/95]

9/22/95 -- TRANSCRIPT of Trial - volume VII, A.M. session; 1  
volume(s) Court Reporter: Sally A. Naas (clk)  
[Entry date 09/25/95]

9/22/95 215 MINUTES of hearing on NON-JURY TRIAL (acm). Parties advise  
the court that the case has settled. All exhibits returned  
to the parties. ( C/R: Sally Naas) (dll)  
[Entry date 09/27/95]

9/22/95 -- EXHIBIT and WITNESS list (all exhibits returned to parties)  
(dll) [Entry date 09/27/95]

9/26/95 216 ORDER by Judge Paul E. Riley Sr. dismissing case, without  
prejudice, without costs, and with right, upon good cause  
shown, within 60 days to seek relief from judgment if  
settlement is not consummated. (cc: all counsel) (dll)  
[Entry date 09/27/95]

10/6/95 217 STIPULATION of dismissal (dll)

10/19/95 218 ORDER by Judge Paul E. Riley Sr. granting stipulation  
[217-1] (cc: all counsel) (dll) [Entry date 10/23/95]

10/23/95 219 JUDGMENT by Judge Paul E. Riley Sr. dismissing case with  
prejudice and without costs to either party, pursuant to an  
order filed 10/19/95. (cc: all counsel) (dll)

[END OF DOCKET: 3:92cv204]